

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

DAVID TATSCH

PLAINTIFF

VS.

CIVIL ACTION NO. 3:13cv1055-FKB

MANAGEMENT AND TRAINING
CORPORATION, et al.

DEFENDANTS

ORDER

David Tatsch, a state inmate housed at East Mississippi Correctional Facility (EMCF) brought this action pursuant to 42 U.S.C. § 1983 alleging that prison officials deprived him of his constitutional rights. Several of his claims were dismissed after the omnibus hearing. His surviving claims are that he was housed without clothing or bedding and that conditions at EMCF are unsanitary and unsafe. Presently before the Court is Defendants' motion for summary judgment. Plaintiff has failed to respond to the motion.

The applicable section of the Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997(e), requires that an inmate bringing a civil rights action in federal court first exhaust his administrative remedies. *Whitley v. Hunt*, 158 F.3d 882 (5th Cir. 1998). This exhaustion requirement "applies to all inmate suits about prison life." *Porter v. Nussle*, 534 U.S. 516, 122 S. Ct. 983, 992 (2002). The requirement that claims be exhausted prior to the filing of a lawsuit is mandatory and non-discretionary. *Gonzalez v. Seal*, 702 F.3d 785 (5th Cir. 2012). Plaintiff admitted at the omnibus hearing that he did not pursue his claims through completion in the prison's administrative remedies program prior to the filing of this action, and Defendants have provided further evidence of this failure in the form of an affidavit from Rebecca Naidow, the Administrative Remedy Program Clerk at EMCF. For this reason, Plaintiff's claims must be dismissed. Defendants' motion is

hereby granted. A separate order of dismissal will be entered.

So ordered, this the 24th day of October, 2014.

/s/ F. Keith Ball

UNITED STATES MAGISTRATE JUDGE